

UNITED STATES DISTRICT COURT

Oct 30, 2024

SEAN F. MCAVOY, CLERK

for

Eastern District of Washington

U.S.A. vs. McElliott, Michael Lyman Docket No. 0980 2:24CR00058-MKD-1

Petition for Action on Conditions of Pretrial Release

COMES NOW Erik Carlson, PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant Michael Lyman McElliott, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge James A. Goeke sitting in the court at Spokane, Washington, on the 23rd day of April 2024, under the following conditions:

Violation #1: Defendant shall not commit any offense in violation of federal, state, or local, or tribal law. Defendant shall advise the supervising Pretrial Services Officer and defense counsel within one business day of any charge, arrest, or contact with law enforcement. Defendant shall not work for the United States government or any federal or state law enforcement agency, including tribal agencies, without providing notice to United States Probation. Defendant shall comply with all conditions of supervision imposed by other courts.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On April 29, 2024, the undersigned officer reviewed the conditions of pretrial release supervision with Mr. McElliott, in which he acknowledged an understanding to the conditions at that time.

Violation #1: Michael Lyman McElliott is alleged to have violated the conditions of pretrial release supervision by failing to report law enforcement contact within 1 business day on or about August 8, 2024.

Available records indicated on or about August 8, 2024, Mr. McElliott was cited by the Spokane Police Department for speeding 19 miles per hour over the limit. Mr. McElliott failed to report this law enforcement contact within 1 business day.

On October 29, 2024, the undersigned officer discussed his law enforcement contact with Mr. McElliott. The undersigned officer reminded Mr. McElliott to report any interaction with law enforcement to the undersigned officer within 1 business day.

Violation #2: Michael Lyman McElliott is alleged to have violated the conditions of pretrial release supervision by failing to report law enforcement contact within 1 business day on or about August 26, 2024.

Available records indicate on or about August 26, 2024, a police officer with the Spokane Police Department attempted to contact Mr. McElliott at his residence for the purpose of serving a sexual assault temporary order of protection (TOP). The officer received no response at the residence, but was able to contact Mr. McElliott by telephone. Mr. McElliott advised he was out of town, but provided his email address so he could be served the TOP. The officer subsequently emailed the TOP to Mr. McElliott, which the officer received a response confirming receipt of the document.

It appears a sexual assault protection order was granted by the Spokane County Superior Court on or about September 19, 2024. The aforementioned protection order is scheduled to expire on September 19, 2029.

The undersigned officer obtained police reports regarding the above-noted order of protection. The reports indicated that on or about April 11, 2024, a family member accused Mr. McElliott of sexually abusing her for several years, until he went to jail on an unrelated matter. The last reported abuse allegedly occurred approximately 7 years prior. Mr. McElliott has not been charged with a crime related to the above-noted allegations.

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On October 29, 2024, the undersigned officer discussed the law enforcement contact related to being served with an order of protection. Mr. McElliott confirmed he received an email with the TOP from an employee from the City of Spokane. He also confirmed he contested the TOP and appeared in Spokane County Superior Court in September 2024. Subsequently, the undersigned officer reminded Mr. McElliott to report any contact with law enforcement within 1 business day.

PRAYING THAT THE COURT WILL ORDER NO ACTION AT THIS TIME

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: October 29, 2024

by s/Erik Carlson

Erik Carlson
U.S. Pretrial Services Officer

THE COURT ORDERS

- ☒ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this
petition with the other violations pending before the
Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

10/30/2024

Date